



Rep. Frank J. Mautino

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LRB098 16384 HLH 57289 a

1 AMENDMENT TO HOUSE BILL 4731

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4731 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Employee Indemnification Act is  
5 amended by changing Section 1 as follows:

6 (5 ILCS 350/1) (from Ch. 127, par. 1301)

7 Sec. 1. Definitions. For the purpose of this Act:

8 (a) The term "State" means the State of Illinois, the  
9 General Assembly, the court, or any State office, department,  
10 division, bureau, board, commission, or committee, the  
11 governing boards of the public institutions of higher education  
12 created by the State, the Illinois National Guard, the  
13 Comprehensive Health Insurance Board, any poison control  
14 center designated under the Poison Control System Act that  
15 receives State funding, or any other agency or instrumentality  
16 of the State. It does not mean any local public entity as that

1 term is defined in Section 1-206 of the Local Governmental and  
2 Governmental Employees Tort Immunity Act or a pension fund.

3 (b) The term "employee" means: any present or former  
4 elected or appointed officer, trustee or employee of the State,  
5 or of a pension fund; 7 any present or former commissioner or  
6 employee of the Executive Ethics Commission or of the  
7 Legislative Ethics Commission; 7 any present or former  
8 Executive, Legislative, or Auditor General's Inspector  
9 General; 7 any present or former employee of an Office of an  
10 Executive, Legislative, or Auditor General's Inspector  
11 General; 7 any present or former member of the Illinois  
12 National Guard while on active duty; 7 individuals or  
13 organizations who contract with the Department of Corrections,  
14 the Department of Juvenile Justice, the Comprehensive Health  
15 Insurance Board, or the Department of Veterans' Affairs to  
16 provide services; 7 individuals or organizations who contract  
17 with the Department of Human Services (as successor to the  
18 Department of Mental Health and Developmental Disabilities) to  
19 provide services including but not limited to treatment and  
20 other services for sexually violent persons; 7 individuals or  
21 organizations who contract with the Department of Military  
22 Affairs for youth programs; 7 individuals or organizations who  
23 contract to perform carnival and amusement ride safety  
24 inspections for the Department of Labor; individuals who  
25 contract with the Office of the State's Attorneys Appellate  
26 Prosecutor to provide legal services, but only when performing

1 duties within the scope of the Office's prosecutorial  
2 activities; 7 individual representatives of or designated  
3 organizations authorized to represent the Office of State  
4 Long-Term Ombudsman for the Department on Aging; 7 individual  
5 representatives of or organizations designated by the  
6 Department on Aging in the performance of their duties as adult  
7 protective services agencies or regional administrative  
8 agencies under the Adult Protective Services Act; 7 individuals  
9 or organizations appointed as members of a review team or the  
10 Advisory Council under the Adult Protective Services Act; 7  
11 individuals or organizations who perform volunteer services  
12 for the State where such volunteer relationship is reduced to  
13 writing; 7 individuals who serve on any public entity (whether  
14 created by law or administrative action) described in paragraph  
15 (a) of this Section; 7 individuals or not for profit  
16 organizations who, either as volunteers, where such volunteer  
17 relationship is reduced to writing, or pursuant to contract,  
18 furnish professional advice or consultation to any agency or  
19 instrumentality of the State; 7 individuals who serve as foster  
20 parents for the Department of Children and Family Services when  
21 caring for a Department ward; 7 individuals who serve as  
22 members of an independent team of experts under Brian's Law; 7  
23 and individuals who serve as arbitrators pursuant to Part 10A  
24 of Article II of the Code of Civil Procedure and the rules of  
25 the Supreme Court implementing Part 10A, each as now or  
26 hereafter amended; the term "employee" ~~but~~ does not mean an

1 independent contractor except as provided in this Section. The  
2 term includes an individual appointed as an inspector by the  
3 Director of State Police when performing duties within the  
4 scope of the activities of a Metropolitan Enforcement Group or  
5 a law enforcement organization established under the  
6 Intergovernmental Cooperation Act. An individual who renders  
7 professional advice and consultation to the State through an  
8 organization which qualifies as an "employee" under the Act is  
9 also an employee. The term includes the estate or personal  
10 representative of an employee.

11 (c) The term "pension fund" means a retirement system or  
12 pension fund created under the Illinois Pension Code.

13 (Source: P.A. 98-49, eff. 7-1-13; 98-83, eff. 7-15-13; revised  
14 8-9-13.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."